

PUBLIC HEARING--May 12, 1965

Appeal #8203 Washington City Orphan Asylum on behalf of the National Presbyterian Church, appellants.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and carried with Messrs. Harps and Davis dissenting, the following Order was entered on June 22, 1965:

ORDERED:

That the appeal to permit use of Cottage "C" building for offices of a non-profit organization at the southeast corner of Nebraska Avenue and Van Ness Street, N.W., lot 802, square 1724, be denied.

From the records and the evidence adduced at the hearing, the Board finds the following facts:

- (1) Lot 802 in square 1724, is located in the R-1-B District which district is primarily for single-family dwellings, churches or residence of an ambassador. Other related uses are permitted through permission of the Board of Zoning Adjustment. The Zoning Regulations, however, prohibit the establish of non-profit organizations in the R-1-B District, in which category the proposed use falls.
- (2) The property in question has frontages of 320.38 feet on Nebraska Avenue, 237.33 feet on Van Ness Street, 271 feet along 41st Street proposed and 417.71 feet on its south boundary. The lot contains an area of 2.021 acres and is developed with two two-story masonry structures, one being the Service Building and the other Cottage "C" in which appellant proposes to house a non-profit organization. The following offices and uses would be housed in Cottage "C":
 - (a) The National Presbyterian Center would house three or four persons in their portion of the building with working hours from 9:00 a. m. to 5:00 p. m. Monday through Friday.
 - (b) The Washington City Presbytery would house six or seven persons in their portion of the building with working ~~hours~~ hours from 8:30 a. m. to 5:00 p. m. Monday through Friday.
 - (c) The Department of Chaplains and service personnel would house six persons in their portion of the building with working hours from 8:30 a. m. to 4:30 p. m. Monday through Friday.
- (3) The National Presbyterian Church is a National Church for the country as a whole. This church seeks to establish the above mentioned national activities.
- (4) In 1926 the Washington City Orphan Asylum established at the subject location which continued until approximately 1953 at which time it found that the need to care for orphans in the Washington Metropolitan area was adequately met and that there were more pressing community needs.
- (5) Since 1953 Cottage "C" has been used as a pre-school through approval of this Board in appeal #3570. The property is presently under contract to the National Presbyterian Church who propose a total development of the site, which

will include the erection of a National Church and other related facilities.

(6) Cottage "C" covers 3700 square feet and measures 75 feet in width and 80 feet in depth and is L shaped.

(7) Exhibit 13 are pictures of the subject site and Exhibit 14 are pictures of the surrounding area.

(8) Exhibit 15 is a statement from the President, Board of Trustees, Washington City Orphan Asylum who says that the building was erected in 1926 for orphanage use and was so designed that it would not be utilized as a single-family residence. He also states that the use proposed would not adversely affect the values of surrounding properties. The President of the Asylum is also a real estate appraiser.

(9) Exhibit 16 is a statement from Simon Wasserman who made a study of the Washington City Orphan Asylum site under the Zoning Regulations as they relate to Cottage "C" and who states that the building does not lend itself for use as a single family dwelling and if changed into a multiple building would accommodate approximately 12 one-bedroom apartments at a cost of \$75,000.00 to convert; that to replace the building would cost about \$165,000.00, and that this would require a change of zoning to R-4. He further stated that any of the above uses would work a hardship on the owner of the property.

(10) Exhibit 18 is an opinion of the Corporation Counsel stating that the Board may find a hardship in the case of an existing building where the cost of devoting the building to its zoned use would require such a substantial cost as to impose a hardship upon the owner.

(11) Exhibit 19 is a Certificate of Incorporation and By-laws of the "National Presbyterian Church, Inc."

(12) Appellant proposes no change in the facade of Cottage "C" along Nebraska Avenue. He further states that no part of the area in front of the building would be used for off-street parking of automobiles. Off-street parking for 461 cars will be provided in the over-all development of the site and appropriately screened from Van Ness Street and Nebraska Avenue and that some of these spaces will be used to serve Cottage "C".

(13) Appellant states that office use by the local church is permitted as a matter-of-right and that they seek only permission for a limited office use to serve the National Church organization and that such use should be considered in the light of the over-all development of the site.

(14) There was objection from the Citizens Associations of the District of Columbia who stated that there is no objection to normal church use but that they object to any National Office use for any organization.

OPINION:

Appellant in this case requests permission to utilize this Cottage "C" for a non-profit organization for a National Church for the country as a whole, whereas in the R-1-B District only a church or other place of worship, parsonage, ~~vicarage~~ vicarage, rectory, or Sunday school building is permitted. He therefore requests a variance from the use provisions of this District to permit these non-profit organizations of the National Church.

The variance clause of the regulations state that there must be some exceptional narrowness, shallowness or shape of the property, or exceptional topographical conditions or other extraordinary or exceptional situation or condition of the property to warrant a waiver of regulation requirements. The Board is unable to find any of these conditions in this property. The size of the structure is now, in our opinion, a reason for waiving the use provisions of the regulations, as there are many buildings in the city which might fall within this classification.

The Board further is of the opinion that the contention of the objectors is substantiated by the facts.

In view of the above the Board is of the opinion that this relief cannot be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and maps. It therefore has no alternative but to deny the appeal.